

REMARKS

Claims 11-22 are pending in the application. Claims 18-22 have been withdrawn from consideration. No claims have been amended, cancelled, or added. Therefore, claims 11-22 remain pending and are resubmitted for consideration.

Allowable Subject Matter

Applicants thank the Examiner for the indication that claims 14 and 15 contain allowable subject matter. At this time, claims 14 and 15 remain dependent from claim 11.

Rejection under 35 U.S.C. § 103 - Junge

Claims 11-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable of U.S. Patent No. 2004/0026938 (“Junge”). The rejection should be withdrawn at least because Junge is not prior art to the present application.

Junge is not prior art at least because Junge does not satisfy the criteria of 35 U.S.C. § 102(a) or § 102(b). Junge was first published on *February 12, 2004*, which is after the priority date of the present application. The present application claims priority to EP Application 02079684.3, which was filed on *November 8, 2002*. The priority claim was acknowledged April 1, 2008. Applicants respectfully submit that the International Application PCT/IB2003/004928, which was submitted to the Patent Office on May 6, 2005, is an accurate English-language translation of the priority application. In accordance with the Examiner’s request for a translation and certified statement, Applicants are submitting a Translator’s Declaration certifying that the English translation of European Patent Application No. 02079684.3 is correct. A copy of the translation is also attached.

Moreover, Junge is not prior art under 35 U.S.C. § 102(e) because Junge was not filed in the United States before the invention of the present application. Junge was filed in the United States on *January 28, 2003*, whereas the present application claims priority to a filing date of *November 8, 2002*. Applicants further note that Junge is not an international application that designated the United States. Accordingly, for at least the reasons set forth above, Junge is not prior art to the present application. Therefore, the rejection of claims 11-

13 under 35 U.S.C. § 103(a) over Junge is moot. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection under 35 U.S.C. § 103 – Junge & Duquette

Claims 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Junge in view of U.S. Patent Publication No. 2003/0110610 (“Duquette”). The rejection should be withdrawn because, as discussed above, Junge is not prior art to the present application. For at least this reason, the rejection under 35 U.S.C. § 103(a) is improper. Reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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